

REMARKS

The undersigned notes with appreciation that the previously entered rejections have not been maintained based on the last filed amendment.

The application includes claims 1 and 3-8. No amendments to the claims have been entered.

The sole issue remaining in the case is a provisional rejection of the claims for obviousness-type double patenting over co-pending application 10/798,845. This provisional rejection is traversed.

At the outset, it should be understood that the co-pending applications are directed to distinct inventions. The present application recites features in the claims related to an actuating signal for actuating a locking device in an orthopaedic joint. There is a single independent claim which is additionally restricted to an actuating unit integrated into a walking aid. In contrast, the co-pending application 10/798,845 (to the same inventors) claims a signaling arrangement for giving a warning signal to the user indicating the unlocked state of a locking device. While a warning signal can be transmitted to the grip of a walking aid where the warning signal may be implemented in the form of vibrations so as to be felt by the user, there is a clear difference between a warning signal of the co-pending application 10/798,845 which is generated within the orthopaedic joint and an actuating signal which is generated in the walking aid and which actuates a control module for actuating the locking device of the orthopaedic aid.

With reference to claim 1 of the present application, there is a requirement for: “an actuating unit integrated into a walking aid which is separate from said orthopedic joint for sending an actuating signal by wireless transmission to the control module”. This is the sole independent claim in the present application. The conclusion that this reads on claims 1, 2, 11 and 15 of U.S. Application 10/798,845 is incorrect. Independent claim 1 of U.S. Application 10/798,845 requires: that a “signaling arrangement...is provided which emits a particular indicator signal or warning signal for the locking state or upon unlocking of the locking device”. This is the sole independent claim in U.S. Application 10/798,845. As noted above, the “actuating unit” of the present invention is

different from and does not specifically read up on the "signaling arrangement" of claim 1 of U.S. Application 10/798,845.

Since all claims of the present application depend upon claim 1 of the present application, and since all claims of U.S. Application 10/798,845 depend upon claim 1 of U.S. Application 10/798,845, the conclusions that claims 3-8 of the pending application read on various claims of U.S. Application 10/798,845 are also incorrect.


In view of the above, none of the claims in the present application read on any of the claims in U.S. Application 10/798,845, therefore the provisional rejection for obviousness type double patenting should be withdrawn and the application should be passed to issue.

In view of the foregoing, it is respectfully requested that the application be reconsidered, that claims 1 and 3-8 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



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